

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ANN MITCHELL, *
Plaintiff *
 *
v. * **CIVIL ACTION NO. 04-CV-**
12169-REK
 *
HALLMARK HEALTH SYSTEMS/ *
LAWRENCE MEMORIAL HOSPITAL *
JULIE CHASE SHAUGHNESSY *
Defendants *

**PLAINTIFF'S MOTION TO COMPEL ADDITIONAL PRODUCTION OF
DOCUMENTS FROM DEFEENDANT HALLMARK HEALTH**

Pursuant to Fed. R. Civ. P. 26, 34 and 37, and Local Rules 7.1, 26.1, 26.2, 37.1, Plaintiff Ann Mitchell ("Plaintiff") hereby moves this Honorable Court to issue an order compelling Defendant Hallmark Health Systems to produce additional documents requested in Plaintiff's First Request for Production of Documents.

As reasons therefore, Plaintiff states that after 6 1/2 months Defendant Hallmark Health finally produced certain documents for Plaintiff's inspection. However, despite having had more than 6 1/2 months, Defendants have failed to produce many of the documents requested. Defendants also failed to file timely objections to Plaintiff's requests. *See* Fed. R. Civ. P. 34(b). Defendant failed to produce a list of documents being withheld from production pursuant to Fed. R. Civ. P. 26(b)(5). Defendants further failed to produce documents in its custody and or control as required under the Fed. R. Civ. P. 34(a).

Plaintiff incorporates by reference herein additional reasons contained in Plaintiff's Memorandum of Law and A cdfvaffidavit accompanying this motion.

Pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1, on numerous occasions, most recently on January 17, 2006, January 30, 2006, and February 17, 2006, counsel conferred in person and by telephone on this discovery dispute for more than two hours in a reasonable and good faith effort to resolve and or narrow the issues addressed in this motion. Unfortunately, despite counsels' best efforts a mutually agreeable resolution to the dispute could not be reached, making this motion necessary.

Wherefore, Plaintiff respectfully requests that this Honorable Court ALLOW Plaintiff's motion, order the payment of Plaintiff's attorney's fees pursuant to Fed. R. Civ. P. 37(a)(4), and order Defendants to produce all documents requested in its/their possession custody and control.

REQUEST FOR ORAL ARGUMENT

Plaintiff hereby requests oral argument on this motion.

Respectfully submitted,

ANN MITCHELL

/s/ Ann Mitchell

Ann Mitchell

February 17, 2006

ANN MITCHELL
By Her Attorney,

/s/ Alice Whitehill Wiseberg

Alice Whitehill Wiseberg
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Certification Pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1

I hereby certify, pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1, that on February January 17, 2006, January 30, 2006, February 17, 2006, and at various times previously, I met with Defendant's counsel, John Simon, Esq., and or Macon Magee, Esq., and we discussed this and other discovery disputes for more than 2 ½ hours in a reasonable and good faith effort to resolve and or narrow the issues addressed in this motion. Unfortunately, despite counsels' best efforts, a mutually agreeable resolution to the dispute could not be reached.

/s/ Alice Whitehill Wiseberg

Alice Whitehill Wiseberg

Certificate of Service

I, Alice Whitehill Wiseberg, Esq., hereby certify that on this date a true copy of the above document was served upon the attorney of record for each other party by first-class mail, postage prepaid.

February 18, 2006

/s/ Alice Whitehill Wiseberg

Alice Whitehill Wiseberg